31.08.2021
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In the High Court at Calcutta
Criminal Appellate Jurisdiction

C.R.A. 235 of 1985

In the matter of :R.C. Dani ....appellant

With
C.R.A. 185 of 1985

In the matter of : Jyostna Prakash Banerjee
...appellant

Mr. Y.J.Dastoor,
Mr. Phiroze Edulji,
Mr. Samrat Goswami
...for the C.B.I.

In Re.: C.R.A. 185 of 1985

It appears from the report sent by the Section Officer of the Criminal Section of this Court today, which may be treated to be a part of the records, that the records of the other connected appeal, bearing C.R.A. 235 of 2015, have not yet been traced out, although the files of C.R.A. 185 of 1985 are already before this Court, along with its lower court records.

As per the request of the office, the office is granted four weeks' time to trace out the records and LCR of the appeal bearing C.R.A. No. 235 of 1985.

In view of there being an apprehension expressed by counsel that the appellant in C.R.A. 185 of 1985 might have met his demise in the meantime, the appeal, under normal circumstances, ought to have abated. However, as rightly submitted by Mr. Edulji, learned Counsel, led by the learned Additional Solicitor General, since a fine

component is included in the sentence challenged in the appeal, the appeal cannot said to have abated in view of the prevalent judicial opinion in that regard.

Since none appeared for the appellant on successive past occasions as well as today when the matter is called on for hearing, Mr. Indrajit Dey, a practising advocate of this Court, having office at 14C/1, Kapalitola Lane, Kolkata-700 012, is appointed as *amicus curiae,* to assist this Court in respect of hearing of both the appeals.

C.R.A. 235 of 1985 shall appear along with C.R.A. 185 of 1985 on November 10, 2021, under the same heading.

Office shall take necessary steps for service of paper books on the learned counsel appearing for the parties as well as the learned *amicus curiae* prior to October 08, 2021 and shall furnish a report on the next date of hearing in that regard.

(Sabyasachi Bhattacharyya, J.)